

SENATE BILL NO. 266

INTRODUCED BY J. ELLINGSON

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT A DISCHARGE FROM EMPLOYMENT IS WRONGFUL IF BASED ON SEXUAL ORIENTATION; AND AMENDING SECTIONS 39-2-904 AND 39-2-912, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 39-2-904, MCA, is amended to read:

"39-2-904. Elements of wrongful discharge. A discharge is wrongful only if:

(1) it was in retaliation for the employee's refusal to violate public policy or for reporting a violation of public policy;

(2) the discharge was not for good cause and the employee had completed the employer's probationary period of employment; ~~or~~

(3) the employer violated the express provisions of its own written personnel policy; or

(4) it was based on the employee's sexual orientation."

Section 2. Section 39-2-912, MCA, is amended to read:

"39-2-912. Exemptions. This part does not apply to a discharge:

(1) that is subject to any other state or federal statute that provides a procedure or remedy for contesting the dispute. The statutes include those that prohibit discharge for filing complaints, charges, or claims with administrative bodies or that prohibit unlawful discrimination based on race, national origin, sex, sexual orientation, age, disability, creed, religion, political belief, color, marital status, and other similar grounds.

(2) of an employee covered by a written collective bargaining agreement or a written contract of employment for a specific term."

- END -